

REMARKS

This responds to the Final Office Action mailed on September 14, 2005 and the Interview on November 9, 2005. Claims 9 and 22 are amended; as a result, claims 1-28 are now pending in this application.

Interview Summary

A Telephone Interview was held on November 9, 2005 between Examiner Thomas A. Dixon and Mark Vatuone. Claims 9, 22, and 27 were discussed. The parties agreed that the 101 rejection of claim 27 would be withdrawn and the phrases “count if” and “replace if” would be amended.

§101 Rejection of the Claims

Claim 27 was rejected under 35 U.S.C. § 101 because the claimed invention was allegedly directed to non-statutory subject matter. Specifically, the Final Office Action alleged that the claimed invention is directed to nonfunctional descriptive matter, specifically the phrase “when executed” indicates that the medium contains code per-se and is, therefore, non-statutory. This rejection has been withdrawn per Examiner Dixon.

§112 Rejection of the Claims

Claims 9 and 22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. Specifically, the Final Office action rejected the claims 9 and 22 for the reason that the phrases “count if” and “replace if” are indefinite. Responsive to this rejection the phrases “count if” and “replace if” have been deleted.

Allowable Subject Matter

Claims 1-8, 10-21, 23-26 and 28 were allowed.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 - EXPEDITED PROCEDURE

Serial Number: 09/379,385

Filing Date: August 23, 1999

Title: METHOD AND PROCESS FOR ACCUMULATING AND SUMMARIZING DATA FOR DEFINED TIME INTERVALS
WITHIN A CUSTOMER INTERACTION SYSTEM

Page 10
Dkt: 2046.087US1

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney 408-846-8871 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date

11/14/2005

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 14 day of November, 2005.

Dawn R. Shaw

Name

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Signature